

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA**

DICKSON INDUSTRIES, INC.,	)	
	)	
Plaintiff,	)	
vs.	)	NO. CIV-02-0467-HE
	)	
PATENT ENFORCEMENT TEAM, LLC,	)	<b><u>TRIAL DOCKET: JANUARY, 2011</u></b>
ET AL.,	)	
	)	
Defendants.	)	

**REVISED SCHEDULING ORDER**

☐ JURY TRIAL DEMANDED - ☒ NON-JURY TRIAL

**THE FOLLOWING DEADLINES ARE SET BY THE COURT:**

- |   |   |
|---|---|
| <p>1. Motions to join additional parties to be filed by <u>n/a</u>.</p> <p>2. Motions to amend pleadings to be filed by <u>n/a</u>.</p> <p>3. (a) Plaintiff to file a <b>final</b> list of <b>expert witnesses(es) in chief</b> and <b>submit expert reports</b> to defendant by <u>08/15/2010</u>.*</p> <p style="padding-left: 20px;">(b) Defendant to file a <b>final</b> list of <b>expert witness(es) in chief</b> and <b>submit expert reports</b> to plaintiff by <u>09/01/2010</u>.*</p> <p>4. (a) Plaintiff to file a <b>final</b> list of witnesses together with addresses and brief summary of expected testimony where a witness has not already been deposed by <u>09/01/2010</u>.*</p> <p style="padding-left: 20px;">(b) Defendant to file a <b>final</b> list of <b>witnesses</b> (as described above) <b>ten (10) days</b> thereafter.*</p> | <p>5. (a) Plaintiff to file a <b>final exhibit</b> list by <u>09/01/2010</u>.*</p> <p style="padding-left: 20px;">(b) Defendant to file a <b>final exhibit</b> list and any exhibits not previously submitted <b>ten (10) days</b> thereafter.*</p> <p>*The listing of witnesses and exhibits shall separately state those expected to be called or used and those which may be called or used if the need arises. Except for good cause shown, no witness will be permitted to testify and no exhibit will be admitted in any party's case in chief unless such witness or exhibit was included in the party's filed witness or exhibit list.</p> <p>6. Discovery to be completed by <u>10/01/2010</u>.</p> <p>7. All dispositive and <i>Daubert</i> motions to be filed by <u>10/15/2010</u>.</p> |
|---|---|

If the deadline for dispositive motions and *Daubert* motions precedes the discovery deadline, the parties are expected to conduct any discovery necessary for such motions in advance of the motion deadline.

8. **Trial Docket JANUARY, 2011.\*\***

**\*\*Trial dockets generally begin the second Monday of each month. However, this practice varies, particularly during holidays. The published trial docket will announce the trial setting.**

The interval between the dispositive motion deadline (¶ 7) and the trial docket (¶ 8) is relatively inflexible. An extension of time to file or respond to a motion for summary judgment will likely affect the trial setting.

9. Designations of deposition testimony to be used at trial to be filed by 12/01/2010. Objections and counter designations to be filed by 12/15/2010.

10. Motions in limine to be filed by 12/15/2010.

11. Requested voir dire to be filed by n/a.

17. This case is referred to ADR:

- ☐ by agreement of the parties, with the approval of the Court:
  - ☐ by Order of the Court:
    - ☐ Mediation
    - ☐ Judicial Settlement Conference
    - ☐ Other: \_\_\_\_\_.

If the case is referred to mediation, the process shall be completed and a report filed with the Court by the parties, stating whether the case settled, not later than \_\_.

18. Once a civil case is set on a trial docket, that case will generally be scheduled for a settlement conference before a judge not otherwise assigned to the case.

19. ☐ The parties consent to trial by Magistrate Judge.

12. Trial briefs (optional unless otherwise ordered) to be filed by 12/15/2010.

13. Requested jury instructions to be filed on or before n/a.\*\*\*

14. Proposed findings and conclusions of law are to be filed not later than 12/15/2010.\*\*\*

**\*\*\*In addition to filing, the parties are encouraged, but not required, to submit their proposed jury instructions or findings of fact and conclusions of law in WordPerfect format to the Clerk via the Court's designated mail box: www.heaton-orders@okwd.uscourts.gov.**

15. Any objection or response to the trial submissions referenced in 10, 11, 12, 13, or 14 to be filed within **eleven (11) days** thereafter.

16. The Final Pretrial Report, approved by all counsel, and in full compliance with Local Rules (*See Appendix IV*), together with a proposed order approving the report, to be submitted to the Court by 12/15/2010.

20. Initial disclosures pursuant to Fed.R.Civ.P.26 have been made ☐; are excused ☐; or ☐ shall be made not later than \_\_\_\_\_.

21. Other: \_\_\_\_\_  
\_\_\_\_\_.

Dated this 12th day of April, 2010.

**BY ORDER OF THE COURT**  
**ROBERT D. DENNIS, CLERK OF COURT**

By: s/Janet Wright  
Deputy Clerk

Copies to all parties